

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LAYTON,

Plaintiff,

vs.

MDOC,

Defendant.

2:20-CV-13428-TGB-KGA

HON. TERRENCE G. BERG

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Kimberly G. Altman’s February 16, 2023 Report and Recommendation (ECF No. 29), recommending that Defendants’ Motion to Dismiss (ECF No. 26) be **GRANTED**.

The Court has reviewed the Magistrate Judge’s Report and Recommendation. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “*de novo* determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will

therefore accept the Magistrate's Report and Recommendation of February 16, 2023 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Altman's Report and Recommendation of February 16, 2023 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendants' Motion to Dismiss is **GRANTED** and that Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 19th day of April, 2023.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge